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PATENT DEPARTMENT
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OFFICE OF PETITIONS

In re Application of :
Bailey, et al. :
Application No. 10/620,237 : **ON PETITION**
Filed: 15 July, 2003 :
Attorney Docket No.06405 USA :

This is a decision on the petition filed on 7 June, 2004 (preceded by a reply on 14 November, 2003), under 37 C.F.R. §1.53, to obtain a filing date for the instant application.

The petition is **GRANTED**.

This application was deposited on 15 July, 2003.

On 14 October, 2003, the Office mailed a "Notice of Incomplete Nonprovisional Application" stating that no signed oath/declaration was present upon deposit and the drawing(s) required under 35 U.S.C. §113 (first sentence) were not present upon deposit, and as a result of the latter matter no filing date had been accorded to the instant application.

In response, Petitioner's office first submitted on 14 November, 2003, a fee and copy of the oath/declaration.

Thereafter, on 7 June, 2004, Petitioner submitted the instant petition with, *inter alia*, copies of: (a) what Petitioner contends is a true copy of the one sheet of drawings (Figs. 1 - 4), and (b) a copy of the the date-stamped ("07/15/03"--15 July, 2003) receipt card reflecting receipt by the Office of, *inter alia*:

* * *

Specification 17 Pages

Drawings 1 Sheets

* * *

Analysis

A review of the application papers reveals that the application in fact was filed and received in the Office on 15 July, 2003, and that a comparison of the date-stamped (15 July, 2003) copy of the receipt card filed by Petitioner and the contents of the file indicate that the file contains, *inter alia*, specification pages 1 - 17 (description, claims and abstract).

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that the one sheet of drawings (Fig. 1 - 4) was submitted on 15 July, 2003, and subsequently was misplaced in the Office.

Accordingly, the petition under 37 C.F.R. §1.53 is **granted**, and no petition fee has been charged.

The Notice mailed on 14 November, 2003, hereby is withdrawn as to the one sheet of drawings (Fig. 1 - 4).

This application is released to the Office of Initial Patent Examination for further processing with a filing date of 15 July, 2003, using:

1. specification pages 1 - 17 (description, claims and abstract), deposited on 15 July, 2003; and
2. One sheet of drawings (Figs. 1 - 4), deposited on 7 June, 2004; and
3. further with direction to OIPE to correct Office records to reflect that four 17 pages of specification (description, claims and abstract) and 1 sheet of drawings were present on filing on 15 July, 2003; and forward to Petitioner a copy of the corrected filing receipt reflecting a filing date of 15 July, 2003, reflecting therein that 17 pages of specification (description, claims and abstract) and one (1) sheet of drawings were present on filing.

Thereafter, the application will be considered by the examiner in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions